

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Beaufort Thomas,)	C/A NO. 2:09-90-CMC-RSC
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Deputy Dewayne McFadden (WCSD);)	
Sgt. FNU Gamble (WCDC); Chief FNU)	
Brown (WCDC); and Officer Thomas)	
Williams,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Robert S. Carr for pre-trial proceedings and a Report and Recommendation ("Report"). On December 10, 2009, the Magistrate Judge issued a Report recommending that Defendants' motion for summary judgment be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusion of the Magistrate Judge that this matter should be dismissed. Plaintiff has failed to submit any argument in opposition to Defendants’ motion for summary judgment, instead forwarding short letters to the court to indicate that he is ready for trial. These letters are inadequate efforts to meet the evidentiary burden placed on Plaintiff by Defendant’s summary judgment motion. *See* Letter (Dkt. #66, filed Oct. 26, 2009 & Dkt. #72, filed Dec. 2, 2009).

Therefore, for the reasons stated by Defendants, with which this court agrees and adopts, Defendants’ motion for summary judgment is **granted**, and Plaintiff’s federal causes of action are dismissed with prejudice. To the extent Plaintiff asserts state law claims, the court declines to exercise supplemental jurisdiction over them and they are dismissed without prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
January 7, 2010